

Senate File 461 - Introduced

SENATE FILE 461

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1140)

A BILL FOR

1 An Act relating to notification about the custody of abandoned
2 motor vehicles.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.89, subsection 3, paragraph a, Code
2 2017, is amended to read as follows:

3 a. A police authority or private entity that takes into
4 custody an abandoned vehicle shall notify, within ~~twenty~~ seven
5 days, by certified mail, the last known registered owner of
6 the vehicle, all lienholders of record, and any other known
7 claimant to the vehicle or to personal property found in the
8 vehicle, addressed to the parties' last known addresses of
9 record, that the abandoned vehicle has been taken into custody.
10 Notice shall be deemed given when mailed. The notice shall
11 describe the year, make, model, and vehicle identification
12 number of the vehicle, describe the personal property found
13 in the vehicle, set forth the location of the facility where
14 the vehicle is being held, and inform the persons receiving
15 the notice of their right to reclaim the vehicle and personal
16 property within ten days after the effective date of the
17 notice upon payment of all towing, preservation, and storage
18 charges resulting from placing the vehicle in custody and
19 upon payment of the costs of notice required pursuant to this
20 subsection. The notice shall also state that the failure of
21 the owner, lienholders, or claimants to exercise their right
22 to reclaim the vehicle or personal property within the time
23 provided shall be deemed a waiver by the owner, lienholders,
24 and claimants of all right, title, claim, and interest in the
25 vehicle or personal property and that failure to reclaim the
26 vehicle or personal property is deemed consent to the sale of
27 the vehicle at a public auction or disposal of the vehicle to a
28 demolisher and to disposal of the personal property by sale or
29 destruction. If the abandoned vehicle was taken into custody
30 by a private entity without a police authority's initiative,
31 the notice shall state that the private entity may claim a
32 garagekeeper's lien as described in section 321.90, subsection
33 1, and may proceed to sell or dispose of the vehicle. If the
34 abandoned vehicle was taken into custody by a police authority
35 or by a private entity hired by a police authority, the notice

1 shall state that any person claiming rightful possession of
2 the vehicle or personal property who disputes the planned
3 disposition of the vehicle or property by the police authority
4 or private entity or of the assessment of fees and charges
5 provided by [this section](#) may ask for an evidentiary hearing
6 before the police authority to contest those matters. If the
7 persons receiving notice do not ask for a hearing or exercise
8 their right to reclaim the vehicle or personal property within
9 the ten-day reclaiming period, the owner, lienholders, or
10 claimants shall no longer have any right, title, claim, or
11 interest in or to the vehicle or the personal property. A
12 court in any case in law or equity shall not recognize any
13 right, title, claim, or interest of the owner, lienholders,
14 or claimants after the expiration of the ten-day reclaiming
15 period.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill decreases the period of time within which a
20 police authority or private entity that takes into custody an
21 abandoned vehicle is required to notify by certified mail the
22 last known registered owner of the vehicle, all lienholders
23 of record, and any other known claimant to the vehicle or to
24 personal property found in the vehicle from 20 days to seven
25 days.